

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
192 ft. E of Dungsarsie Drive * ZONING COMMISSIONER
S/S Lochinvar Drive * OF BALTIMORE COUNTY
6607 Lochinvar Drive * 1st Election District
1st Councilmanic * Case No. 92-54-A
Robert G. Townshend, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to the Petition for Zoning Variance, a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 inches from the property line for an accessory structure in lieu of the required 2.5 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner, Robert G. Townshend, appeared and testified. Appearing as a Protestant was George E. MacNabb, a neighbor who resides immediately next door at 6603 Lochinvar Drive.

Testimony indicated that the subject property, known as 6607 Lochinvar Drive, consists of .19 acre +/-, zoned D.R.5.5., and is currently improved with a 1-1/2 story dwelling with an attached garage.

The Petitioner testified that he desired to construct an 8 ft. x 8 ft. shed in the rear of the property to store garden tools and other materials. Believing that the construction did not need a permit because the shed was less in area than 100 sq. ft., the Petitioner began construction without investigating the zoning regulations. He further testified that after construction was substantially completed, he was advised that the shed must be located a minimum of 2-1/2 ft. from the side yard property line, rather than the 9 inch setback where the shed presently rests.

The Petitioner further testified that because the structure was substantially completed, the subject variance was requested. He indicated that there are no other places on the property for the shed to be placed due to the configuration of his lot. Further, Mr. Townshend commented that he proposes to do additional improvements to the rear yard by way of an expansion of the flagstone walkway and that those improvements would not be practical if the shed could not remain in its present location. Lastly, the Petitioner testified that the shed is neat in appearance and well maintained, and that it is not an eyesore to the community.

Mr. George E. MacNabb, the Petitioner's immediate neighbor, appeared and testified in opposition to the Petition. He testified that the Petitioner had barely commenced construction when he advised him that the shed's placement was in violation of the zoning regulations. Further, he testified that there were numerous other locations within the property where the shed could be located. Lastly, because of the topography of the site, Mr. MacNabb stated that the shed dominates the view from his property. He also expressed concern regarding the shed's effect on a retaining wall located along the common property line.

Upon review of the evidence presented, including the testimony and numerous photographs of the site, it is apparent that the shed's current location, although preferable to the Petitioner, is not the only place within the property where this structure could be placed. Particularly, the site plan and photographs presented show that the property contains a large backyard which contains more than enough area to house the shed without the need for the variance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his

property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of Oct., 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 inches

from property line for an accessory structure in lieu of the required 2.5 ft., in accordance with Petitioner's Exhibit No. 1, is hereby DENIED.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 8, 1991

Mr. and Mrs. Robert G. Townshend
6607 Lochinvar Drive
Catonsville, Maryland 21228

RE: Petition for Zoning Variance
Case No. 92-54-A

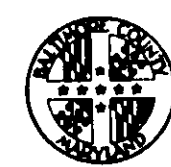
Dear Mr. and Mrs. Townshend:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mnn
att:
cc: Peoples Counsel
cc: Protestant



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 inches from property line for an accessory structure in lieu of the required 2.5 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. THE ONLY AREA SUITED FOR STRUCTURE.
 2. MOVING STRUCTURE WOULD CAUSE EXTENSIVE SHADESBURY REMOVAL.
 3. MOVING THE STRUCTURE WOULD NOT ENHANCE THE LANDSCAPING.
 4. STRUCTURE ADDS PRIVACY TO THE PROPERTY.
- Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee(s):

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):
Robert G. Townshend
Signature
Robert G. Townshend
(Type or Print Name)
Signature
Robert G. Townshend
City and State

6607 LOCHINVAR DR. 747-8759
Address Phone No.
Catonsville, Md. 21228
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR. +1HR.
AVAILABLE FOR HEARING
ALL MON./TUES./WED. - NEXT TWO MONTHS
OTHER
REVIEWED BY: *DAL* DATE: *8/1/91*

ORDER RECEIVED FOR FILING

Date

By

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE

SOUTH SIDE OF LOCHINVAR DR. WHICH IS

24' WIDE AT THE DISTANCE OF 192.38'

EAST OF THE CENTERLINE OF THE NEAREST

IMPROVED INTERSECTING STREET

DUNGARSIE DR. WHICH IS 24' WIDE

BEING LOT 92 & PART OF LOT 93, BLOCK

PLAT BOOK C.W.B., JR. NO. 12, FOLIO 103

CONTAINING 8,250 SQ.FT. ALSO KNOWN AS

6607 LOCHINVAR DR. AND LOCATED IN THE

1ST ELECTION DISTRICT

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 9-18-91
Posted for: 1 year
Petitioner: Robert G. Townshend et ux
Location of property: 192 ft. E of Dungsarsie Drive, S/S of
Lochinvar Drive, 6607 Lochinvar Drive
Location of Sign: Along West Side of Lochinvar Drive
Remarks: See above
Posted by: LES Date of return: 9-18-91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/5, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/5, 1991.

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

\$ 54.00

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/5, 1991

CATONSVILLE TIMES

S. Zeke Orlem
Publisher

\$ 54.00

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning change on the property located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 92-54-A
192' E of Dunparris Drive,
S/S Lochinvar Drive
6607 Lochinvar Drive
1st Election District - 1st Councilmanic
Petitioner(s): Robert G. Townshend, et ux
Hearing Date: Thursday, Oct. 3, 1991 at 2:00 p.m.
Variance to permit a side yard setback of 9 inches from property line for an accessory structure in lieu of the required 2.5 ft.
Zoning Commissioner of Baltimore County
CAT/00008 September 5,

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 8-001-4150
Number

Date: 8/07/91

HYPER 1057

PUBLIC HEARING FEES

QTY	PRICE
1 X	\$35.00
TOTAL:	\$35.00

DA404#0057#1CHRC \$35.00
SA C010-0040MS-07-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 8-001-4150
Number

Date: 9/2-54

HYPER 1057

PUBLIC HEARING FEES

QTY	PRICE
1 X	\$35.00
TOTAL:	\$35.00

DA404#0057#1CHRC \$35.00
SA C010-0040MS-07-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

Account: 887-3353

DATE: 9/9/91

COPY

Robert and Paulette Townshend
6607 Lochinvar Drive
Catonville, MD 21228

RE:
Case Number: 92-54-A
192' E of Dunparris Drive, S/S Lochinvar Drive
6607 Lochinvar Drive
1st Election District - 1st Councilmanic
Petitioner(s): Robert G. Townshend, et ux
HEARING: THURSDAY, OCTOBER 3, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 79.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

Account: 887-3353

DATE: 8/20/91

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-54-A
192' E of Dunparris Drive, S/S Lochinvar Drive
6607 Lochinvar Drive
1st Election District - 1st Councilmanic
Petitioner(s): Robert G. Townshend, et ux
HEARING: THURSDAY, OCTOBER 3, 1991 at 2:00 p.m.

Variance to permit a side yard setback of 9 inches from property line for an accessory structure in lieu of the required 2.5 feet.

J. Robert Townshend
Zoning Commissioner of Baltimore County

cc: Robert G. Townshend, et ux
cc. George MacCall. 9/4/91

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

Account: 887-3353

September 25, 1991

Mr. & Mrs. Robert G. Townshend
6607 Lochinvar Drive
Catonville, MD 21228

RE: Item No. 57, Case No. 92-54-A
Petitioner: Robert G. Townshend, et ux
Petition for Variance

Dear Mr. & Mrs. Townshend:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

Account: 887-3353

Your petition has been received and accepted for filing this 7th day of August, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Robert G. Townshend, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 23, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Townshend Property, Item No. 57
Chancellor " " 58
Kane " " 59
Goldman " " 60
Anton " " 61
Wilhelm " " 63

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL:rdn
ITEM57/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: August 29, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for August 20, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 55, 57, 58, 59, 60, 61 and 63.

For Item 52, this site must be submitted through the minor subdivision process for review and comments.

For Item 45, a revised County Review Group Meeting is required for these additions.

For Item 49, the previous County Review Group Comments are still applicable.

For Item 56, the location given for the sign appears to be within the right-of-way of the public road.

Robert W. Bowling P.E.
ROBERT W. BOWLING, P.E.
Developer's Engineering Division

RWB:s

92-54-A 10/3

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: September 26, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 20, 1991

This office has no comments for item numbers 45, 52, 55, 56, 57, 58, 59, 60, 61 and 63.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

92-54-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
September 27, 1991

RECEIVED
OCT 1 1991

ZONING OFFICE

TO: ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #57
PROPERTY OWNER: Robert G. Townshend, et ux
LOCATION: 192 E of Dungsarsie Drive, S/S Lochinvar Dr.
(6607 Lochinvar Drive.)
ELECTION DISTRICT: 1st
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

92-54-A

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 57
Petitioner: Robert G. and Paulette S. Townshend

VIOLATION CASE NO.: C-91-2318

LOCATION OF VIOLATION: 6607 LOCHINVAR DRIVE

DEFENDANT: ROBERT G. AND PAULETTE S. TOWNSHEND

ADDRESS: 6607 LOCHINVAR DRIVE

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
GEORGE MACNABB 6603 LOCHINVAR DRIVE, BALTIMORE, MARYLAND 21228

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

cc: Owen Stephens
Development Control

ljs/

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Robert G. Townshend 6607 LOCHINVAR DR
BALTO. MD 21228

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

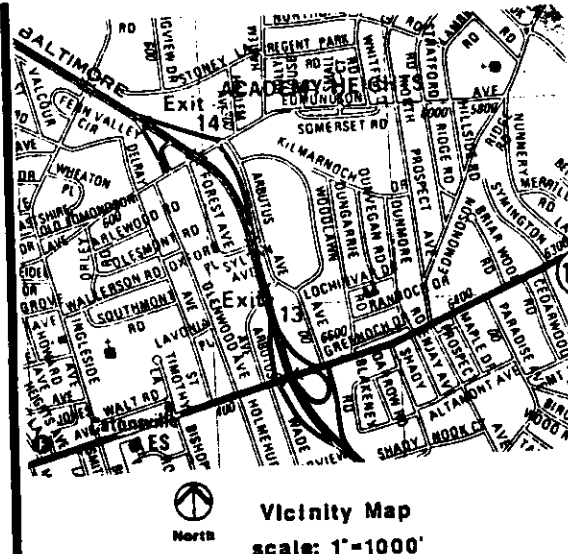
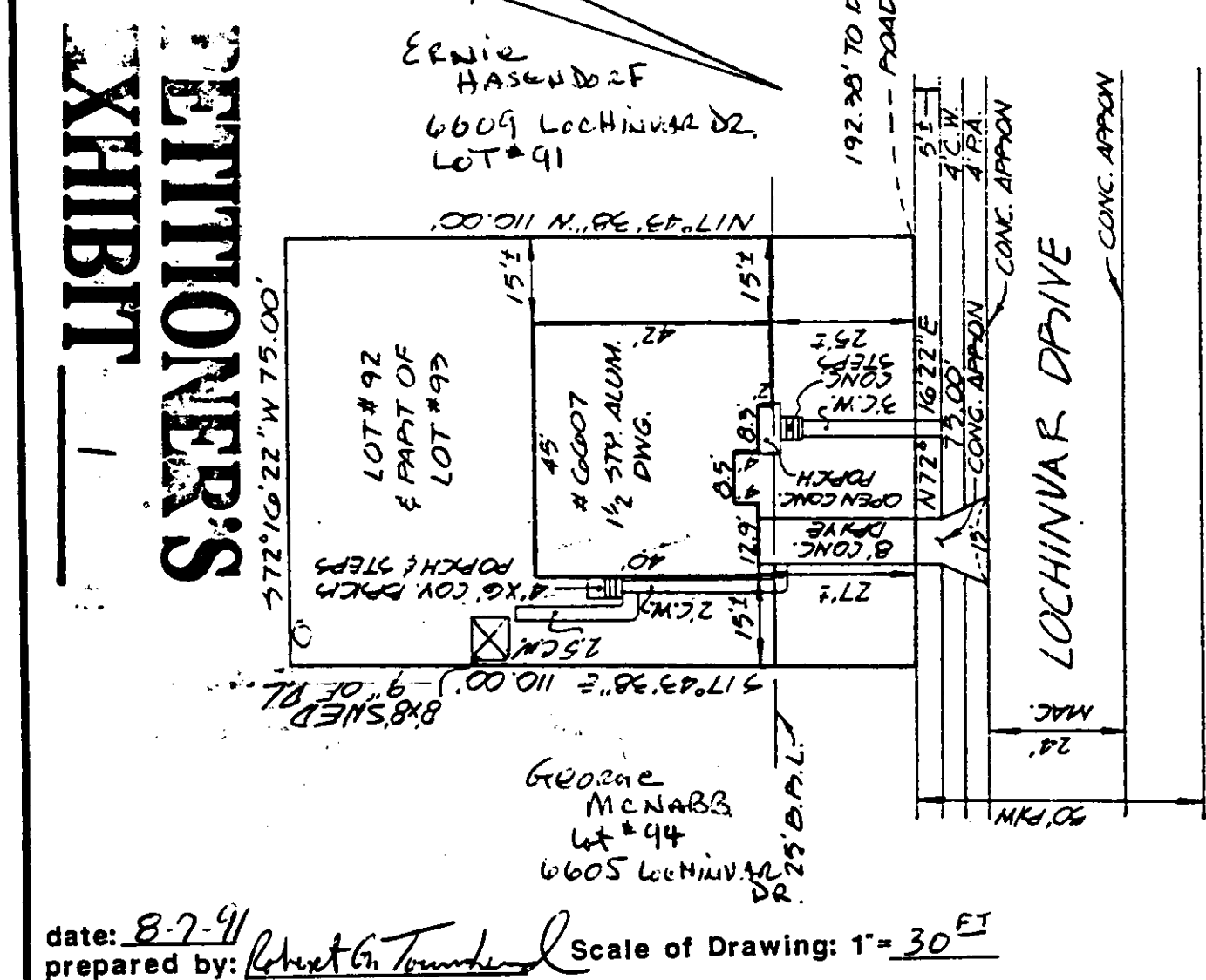
NAME ADDRESS
George E. MacNabb 6603 Lochinvar Dr
Baltimore, MD 21228

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6607 Lochinvar Dr. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: DUNMASE
plat book # 123, lot # 123, section # 22, NO. 12
OWNER: Robert G. Townshend

92-54-A



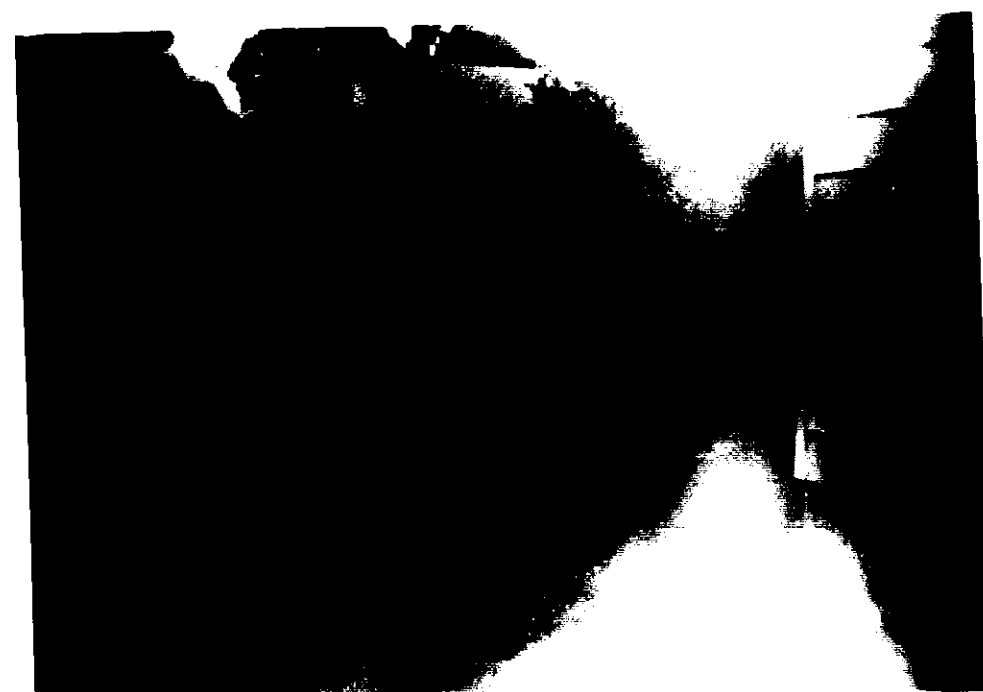
LOCATION INFORMATION
Councilmanic District: 1st
Election District: 1st
1"=200' scale map:
Zoning: D25.5
Lot size: 19,828 square feet
SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: N/D

Zoning Office USE ONLY!
reviewed by: DAG
ITEM #: 57
CASE#:

date: 8-7-91
prepared by: Robert G. Townshend
Scale of Drawing: 1"=30'

CASE NUMBER 92-54-A

PETITIONER'S EXHIBIT



CASE NUMBER 92-54-A

PETITIONER'S EXHIBIT





BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

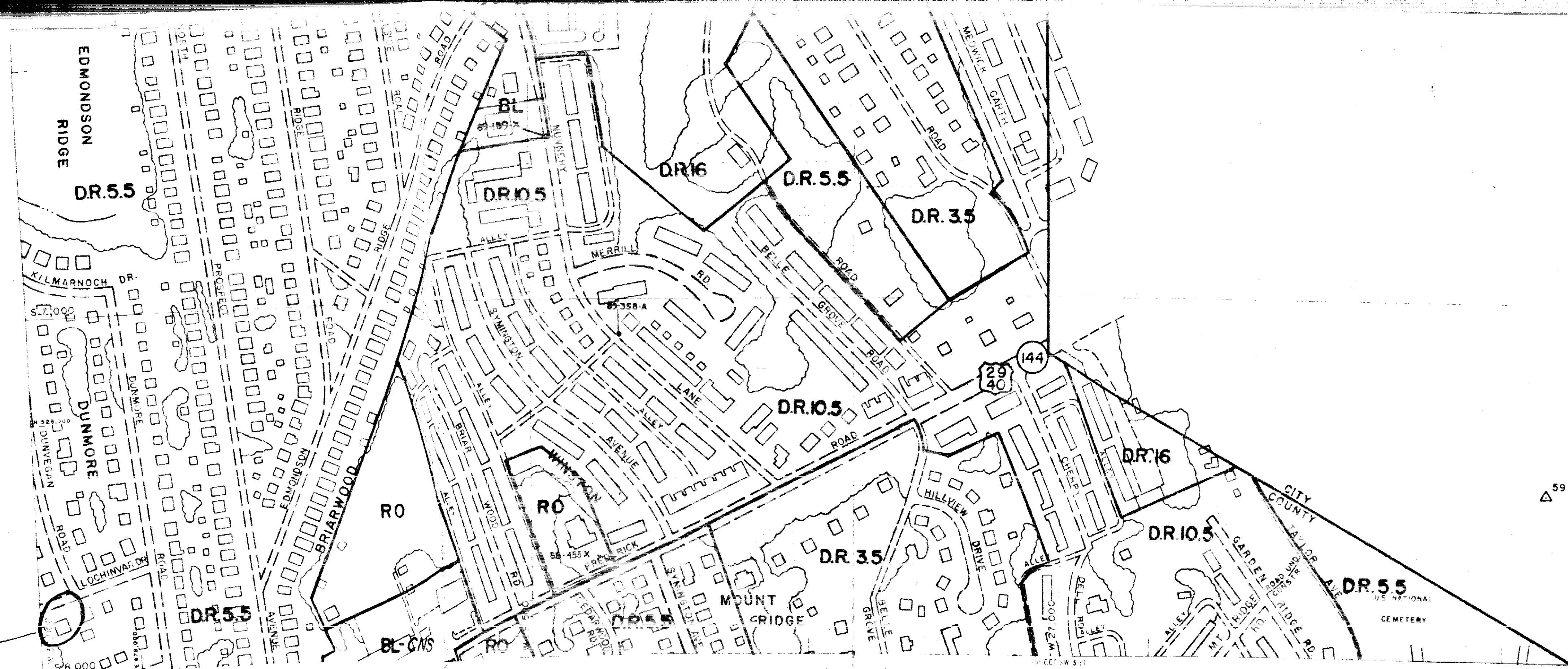
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG W.V. 25101

SCALE
1" = 200' ±

LOCATION
CATONSVILLE

DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET
S.W.
2-E



92-54-A

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Baltimore County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE
1" = 200' ±

LOCATION
CATONSVILLE

DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET
S.W.
2-E